IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4413 OF 2007

M/s. Sujeer Properties ..Petitioner

Vs.

M/s. Harsukhlal G. Mehta ..Respondent

Mr. G.S. Godbole i/by M/s. Maravoor Wamorkar and Co. for petitioner.
Mr. R.M. Haridas for respondent no.1.

CORAM: B.H. MARLAPALLE, J.

Date : June 28, 2007.

P.C.:

1. Heard Mr. Godbole, the learned counsel for the petitioner. The impugned order has been passed in Revision Application No. 14 of 2006 by the Division Bench of the Small Causes Court on 11/4/2007 and the revision application was filed by the present petitioner-company. The revision has been dismissed. If the revision were to be allowed, the ex parte decree would not be set aside and RAE and R Suit No.556/1016 of 2004 would stand decreed subject to the defendants right to challenge the same by way of an

appeal.

2. Under these circumstances, the petitioner has an alternate statutory remedy by way of a Civil Revision Application before this Court under Section 115 of C.P.C. and when such a statutory remedy is available, a petition under Article 227 of the Constitution need not be entertained, as has been held by the Apex Court in the case of Sadhana Lodh vs. National Insurance Co. Ltd. and anr. **[(2003) 3 SCC 524]**

3. Hence, the petition is disposed as withdrawn with liberty to file a Civil Revision Application. Annexures be returned, if applied for. If the revision application is filed within one week from today, parties should maintain status quo as of now.

(B.H. Marlapalle,J.)